

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EDUARDO ALVAREZ-VEGA,

Case No. 2:15-cv-02203-JE

Petitioner,

ORDER

v.

MARK NOOTH,

Respondent.

JELDERKS, Magistrate Judge.

This 28 U.S.C. § 2254 habeas corpus case comes before the court on respondent's Motion to Dismiss the Petition for Writ of Habeas Corpus or, in the alternative, Motion to Direct the Filing of an Amended Petition. Specifically, respondent asserts that although petitioner identifies a number of claims he has raised in the state courts as part of his procedural history, he fails to identify any federal claims he specifically wishes to present in this habeas corpus action.

Rule 2(c) of the Rules Governing Section 2254 Cases requires a habeas petitioner to include all of his grounds for relief in his Petition for Writ of Habeas Corpus. Where petitioner has not done so and instead asserts only a state court procedural history, the court grants respondent's alternative request for the filing of an amended petition.

**CONCLUSION**

Petitioner's Motion to Direct the Filing of an Amended Petition (#15) is granted. Should petitioner wish to continue with this case, he must file an amended petition on the form provided by the court within 30 days setting forth his grounds for relief. Should petitioner fail to do so, I will recommend dismissal of this case without prejudice.

Petitioner's Motion for Appointment of Counsel (#16) is denied with leave to refile once respondent files a responsive pleading to any forthcoming claims petitioner might raise.

The Clerk is DIRECTED to send petitioner a form 28 U.S.C. § 2254 habeas corpus petition for his use.

IT IS SO ORDERED.

DATED this 14 day of July, 2016.



John Jelderks  
United States Magistrate Judge